

RESOLUTION NO. **208685** AUG 28 1973

RESOLUTION OF THE COUNCIL OF THE
CITY OF SAN DIEGO, CALIFORNIA,
DIRECTING THE CITY CLERK TO GIVE
NOTICE INVITING SEALED BIDS FOR
THE PURCHASE OF IMPROVEMENT BONDS.

(Mission Boulevard South Assessment District)

WHEREAS, by Resolution No. **208604** the Council repealed Resolution No. 208429 directing the City Clerk to give notice inviting sealed bids for the purchase of bonds and certificates of ownership to be issued in proceedings under the Municipal Improvement Act of 1913 and resolution of intention, Resolution No. 208252; and

WHEREAS, it is desirable that bids be invited for the purchase of bonds and certificates of ownership to be issued to represent unpaid assessments and that such bids be received prior to the conclusion of the hearings under said Municipal Improvement Act of 1913; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

Section 1. Sealed bids for the purchase of said bonds and certificates of ownership shall be received at time and in the manner stated in the following notice. The City Clerk is directed to publish said notice once in THE SAN DIEGO DAILY TRANSCRIPT. Said notice shall be substantially as follows:

SECOND NOTICE INVITING BIDS
ON 1911 ACT BONDS OF THE CITY
OF SAN DIEGO, CALIFORNIA

(Mission Boulevard South Assessment District)

NOTICE IS HEREBY GIVEN that pursuant to the Municipal Improvement Act of 1913 (commencing with Section 10000, Streets and Highways Code) sealed bids for improvement bonds of The City of San Diego are invited and will be taken as herein provided. THIS SECOND NOTICE SUPERSEDES THE EARLIER NOTICE published on August 1, 1973 in THE SAN DIEGO DAILY TRANSCRIPT.

TIME AND PLACE FOR FILING AND OPENING OF BIDS. Bids must be sealed and filed with the Purchasing Agent at the Purchasing Department, Third Floor, City Operations Building, 1222 First Avenue, San Diego, California 92101, up to, but not later than 11:00 A.M. on September 17, 1973. Bids may be delivered personally or mailed to the Purchasing Agent at the above address. All bids so filed will be immediately opened, examined and declared by the Purchasing Agent in Conference Room 2, Second Floor, said City Operations Building. The Purchasing Agent will thereafter report the results of said bidding to the Council.

208685

BID FORM. Forms of bids for the purchase of the bonds are provided by and may be obtained from the City Clerk. All bids shall be submitted in substantially the same form as that provided by the City Clerk.

THE PROJECT AND ASSESSMENT DISTRICT. The project is located in the Mission Beach area of The City of San Diego and consists of the construction of curbs, gutters, sidewalks, driveway entrances, ornamental street lighting, resurfacing of street center islands, landscaping and tree planting, installation of traffic signals, and the construction of storm drain facilities. Construction of the project will be divided into at least three contracts. It is expected that contracts for various portions of the project will be awarded during 1973, 1974, and 1975 and that the entire project will be completed in 1976.

Said improvements and the district to be assessed to pay the costs and expenses thereof are located entirely within The City of San Diego, all as more particularly described in the Report of the City Engineer on file in the office of the City Clerk.

ESTIMATED ASSESSMENT. The estimated cost of the project as shown on the Report of the City Engineer is:

Estimated cost of construction (Contracts Nos. 1, 2, and 3), construction contingencies, and maintenance of street trees	\$1,464,800
Estimated incidental expenses	212,200
Estimated bond discount	<u>51,000</u>
Total estimated costs and expenses	\$1,728,000
LESS contribution by The City of San Diego	<u>712,000</u>
Remainder of estimated costs and expenses to be assessed upon property within the assessment district.	\$1,016,000.

Until the approval of said Report and the confirmation of the diagram and assessment contained therein, the Council of the city has the power and reserves the right to make changes in the proposed assessment district, the improvement, the assessment and diagram and any other act, determination or provision made, or permitted to be made, by the Council under

the Municipal Improvement Act of 1913. Construction bids for the first portion of the project are to be received prior to confirmation of the diagram and assessment. Changes may be made in the amount of the assessment, as may be required by reason of the best responsible bids made upon such construction and upon the sale of the bonds.

CONSTRUCTION BID OPENING, HEARING ON REPORT,
CONFIRMATION AND RECORDATION OF ASSESSMENT AND AWARD OF
BONDS. Bids for the construction of the first portion of the project are to be opened after 11:00 A.M. on September 12, 1973, by the Purchasing Agent in Conference Room No. 2, Second Floor, City Operations Building, 1222 First Avenue, San Diego, California. The hearing on the above-mentioned Report and the proposed assessment contained therein was commenced at the regular meeting of the Council on August 28, 1973 and was continued to the regular meeting of September 18, 1973 at 9:30 A.M. Upon the conclusion of the hearing the Council, in its discretion, may abandon the proceedings, make changes therein or may confirm said assessment as filed with the City Clerk or as modified or corrected by the Council. The award of the bonds, if any, will be

made following the conclusion of said hearing and the confirmation of said assessment. The assessment will be recorded not later than the day following its confirmation.

PUBLIC PROPERTY AND CERTIFICATES AGAINST PUBLIC PROPERTY. The assessment district contains certain public property owned by The City of San Diego and by the San Diego Unified School District. The resolution of intention omits from assessment all city-owned property which is in use in the performance of a public function but does not omit any other public property. Assessments will be levied on all public property not omitted from assessment and, if such assessments are not paid within 30 days after the date of recording the assessment, certificates of ownership representing assessments against public property will be issued pursuant to Sections 6467 to 6467.3, inclusive, Streets and Highways Code. All bids submitted must be for the purchase both of the bonds and of all such certificates. Except where the context clearly indicates otherwise, the words "bond" or "bonds", as used herein, shall include "certificate" or "certificates" of ownership representing assessments against public property.

DESCRIPTION OF BONDS. Pursuant to the Municipal Improvement Act of 1913, the Council has determined that bonds are to be issued under the Improvement Act of 1911 (commencing with Section 5000, Streets and Highways Code). The bonds are to be issued to represent each assessment of \$50 or over remaining unpaid for 30 days after the date of recordation of the assessment. The bonds will be dated the thirty-first day after such recordation. The bonds will be serial bonds and will extend over a period ending nine years from the second day of January next succeeding the next September 1st following their date. Pursuant to Section 6464, Streets and Highways Code, the Council has elected to have the redemption provisions of the bonds provide for payment to the bondholder of a premium of 5% of the unmatured principal of any bond paid prior to its maturity date.

It is expected that the bonds will be dated on or about October 19, 1973. The bonds will be payable in ten annual installments represented by principal coupons payable on January 2 of the years 1975 to 1984, inclusive. The first interest coupon will represent interest from the

date of the bonds to July 2, 1974 and thereafter interest coupons will represent semiannual interest on the unpaid balance.

PRINCIPAL AMOUNT OF BONDS. The principal sums of the individual bonds will vary in amounts. The aggregate principal amount of bonds to be issued cannot, and will not, be determined until after the expiration of the 30-day cash payment period during which property owners may pay their assessments in full or in part.

INTEREST RATE. The interest rate bid may not exceed 7%, payable semiannually. The interest rate must be a multiple of 1/100th of 1%. Only a single interest rate shall be bid for all of the bonds to be issued.

AWARD. The bonds will be sold for cash only. All bids must be for not less than all of the bonds to be issued, and any bid for less than all of the bonds or for varying rates of interest will be rejected. The bonds will be awarded to the highest responsible bidder, considering the interest rate specified and the premium or discount, if any, designated by the bidder. For the purpose only of comparing bids it will be assumed (i) that

bonds will be issued in a principal amount equal to the total estimated amount to be assessed upon property within the assessment district, namely, the sum of \$1,016,000 and (ii) that the bonds will be dated October 19, 1973. The highest bid will be determined by deducting the premium from, or adding the discount to, the total amount of interest which would be required to be paid from the date of the bonds on the decreasing balances thereof to January 2, 1984 at the coupon rate specified in the bid. The award will be made on the basis of the lowest net interest cost. If there are tie bids, the highest bid will be determined by lot.

TIME OF AWARD. The city will take action awarding the bonds or rejecting the bids not later than 72 hours after the time above specified for the filing of bids; provided, that the award may be made after the expiration of such time if the successful bidder shall not have given the Council notice in writing of the withdrawal of his bid.

GOOD FAITH CHECK. A certified or cashier's check on a responsible bank or trust company in the amount of \$30,000 payable to the order of the city must accompany

each proposal as a guarantee that the bidder, if successful, will accept and pay for the bonds in accordance with the terms of his bid. The proceeds of the check accompanying any accepted proposal will be applied on the purchase price; provided, that if the successful bidder fails to perform in accordance with the terms of this notice and of his bid said proceeds will then be retained by the city. The check accompanying each unaccepted proposal will be returned promptly.

DELIVERY. Delivery of said bonds will be made to the successful bidder at the office of the Treasurer, Third Floor, City Operations Building, 1222 First Avenue, San Diego, California. It is expected that the bonds will be delivered within 75 days from the date of sale thereof. The successful bidder shall have the right, at his option, to cancel the contract of purchase if the Treasurer shall fail to execute the bonds and tender them for delivery within said 75-day period, in which event the successful bidder shall be entitled to the return of the good faith check accompanying his bid. At the time of delivery the purchaser may pay accrued interest from the date of the bonds to the date of delivery, computed on a 360-day year basis.

LEGAL OPINION; COST OF PRINTING BONDS. The unqualified opinion of Franklin T. Hamilton, Attorney, Los Angeles, California, approving the validity of said bonds will be furnished to the successful bidder at or prior to the date of delivery of the bonds at the expense of the city. The cost of printing bonds will be borne by the city and will not be payable by the successful bidder.

RIGHT OF REJECTION. The Council reserves the right in its discretion to reject any and all bids and, to the extent authorized by law, to waive any irregularity or informality in any bid.

GIVEN BY ORDER of the Council of The City of San Diego, California on August 28, 1973.

Edward Nielsen
City Clerk, The City of
San Diego, California

APPROVED: JOHN W. WITT, City Attorney

by John W. Wood
John W. Wood, Deputy

208685

Passed and adopted by the Council of The City of San Diego on AUG 28 1973,
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By Mary Anne Dease, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 208685 Adopted AUG 28 1973